

CITY COUNCIL REPORT
PUBLIC

DATE: November 7, 2016

TO: Mayor, Vice-Mayor and City Council

FROM: Stephanie Smith, Assistant to the City Manager

CC: Josh Copley, Barbara Goodrich, Shane Dille and Leadership Team

SUBJECT: SB 1487 Updates

The following is an update on subsequent complaints following the passing of SB 1487.

Background

During the last session, SB 1487 was enacted and requires the Arizona Attorney General to investigate alleged violations of state law by a county, city or town. The complaints of the alleged violations are to be initiated by a member or members of the legislature. If the Attorney General determines there is a violation, shared revenues shall be withheld from the local jurisdiction. If it is uncertain that a local jurisdiction's actions violate then the Attorney General must file a special action in the Arizona Supreme Court and the city alleged to be in violation must post a bond equivalent to six months of its shared revenue until the Court determines whether a violation has occurred. Prior to the passage of SB 1487, jurisdictional questions have been decided by the Courts without the threat of financial penalties.

SB 1487 Update – City of Tucson and Town of Snowflake

On August 11, 2016, a SB1487 complaint was filed by Representative Paul Boyer against the Town of Snowflake regarding their approval of a marijuana growing operation. The complaint is attached for your reference. The Attorney General released an investigative report on September 9, 2016 which ultimately ruled that most of the allegations fell outside the scope of the senate bill. The report is included in this CCR and also stated that the actions by the Town of Snowflake *may violate* one or more provisions of Arizona state law as it related to business licensing. The Town of Snowflake ultimately elected to repeal its approval process.

On October 12, 2016, a SB1487 complaint was filed by Representative Mark Finchem against the City of Tucson regarding the destruction of confiscated firearms in violation of Arizona law. The complaint is attached for your reference. The Attorney General has yet to release an investigative report on this complaint. The City of Tucson responded to the complaint stating that the City's ordinance is lawful and enacted pursuant to the City's sovereign powers as a charter city. Further, the City of Tucson asserts that the revised statutes referenced in Representative Finchem do not apply to the city. The City of Tucson's original and supplemental responses are attached to this CCR.